

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>LORI BERNARD WILPRIT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 1:24-cv-388-PTG</b>
	)	
<b>CAPITAL ONE BANK USA, N.A. and</b>	)	
<b>CAPITAL ONE, N.A.,</b>	)	
	)	
<b>Defendants.</b>	)	

**JOINT MOTION FOR SUPPLEMENTAL BRIEFING SCHEDULE**

COME NOW Defendant Capital One, N.A. (“Capital One”),<sup>1</sup> and Plaintiff, Lori Bernard Wilprit (“Wilprit”) (collectively, the “Parties”), through their counsel, and move this Court for entry of the attached proposed Supplemental Briefing Schedule, setting forth a briefing schedule for the Parties’ supplemental briefing regarding Capital One’s pending Motion to Dismiss. (ECF No. 18.)

Capital One’s Motion to Dismiss was filed on April 24, 2022 in the Northern District of Texas, Case No. 3:22-cv-00452. The matter was transferred to this Court on March 12, 2024. (ECF No. 79.) The Parties respectfully request this Court grant the parties an opportunity to file supplemental briefing regarding Capital One’s pending Motion to Dismiss to include discussion of applicable Fourth Circuit and Virginia law. The Parties propose the following schedule:

- Capital One may file its supplemental brief within 14 days of entry of the Supplemental Briefing Order;
- Wilprit may file a response within 14 days of Capital One’s supplemental brief; and

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<sup>1</sup> Effective October 1, 2022, Capital One Bank (USA), National Association merged with and into Capital One, National Association.

- Capital One may file a reply within 6 days of Wilprit's response.

In addition, the Parties respectfully request this Court hold oral arguments on Capital One's pending Motion to Dismiss following the submission of the Parties' supplemental briefing. A proposed order is attached hereto as **Exhibit A**.

WHEREFORE, the Parties respectfully request this Court issue the proposed Supplemental Briefing Scheduling Order and grant the parties the opportunity to provide oral arguments regarding Capital One's Motion to Dismiss.

Dated: April 1, 2024

Respectfully submitted,

**CAPITAL ONE, N.A.**

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